

Union Calendar No. 422

110TH CONGRESS
2D SESSION**H. R. 5683****[Report No. 110–671]**

To make certain reforms with respect to the Government Accountability Office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 2008

Mr. DAVIS of Illinois (for himself, Mr. WAXMAN, and Ms. NORTON) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

MAY 22, 2008

Additional sponsors: Mr. FATTAH, Mr. WYNN, Mrs. JONES of Ohio, Mr. HASTINGS of Florida, Mrs. CHRISTENSEN, and Mr. FILNER

MAY 22, 2008

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 2, 2008]

A BILL

To make certain reforms with respect to the Government Accountability Office, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CON-**
 2 **TENTS.**

3 (a) *SHORT TITLE.*—*This Act may be cited as the*
 4 *“Government Accountability Office Act of 2008”.*

5 (b) *REFERENCES.*—*Except as otherwise expressly pro-*
 6 *vided, whenever in this Act an amendment is expressed in*
 7 *terms of an amendment to a section or other provision, the*
 8 *reference shall be considered to be made to a section or other*
 9 *provision of title 31, United States Code.*

10 (c) *TABLE OF CONTENTS.*—*The table of contents for*
 11 *this Act is as follows:*

- Sec. 1. Short title; references; table of contents.*
- Sec. 2. Provisions relating to future annual pay adjustments.*
- Sec. 3. Pay adjustment relating to certain previous years.*
- Sec. 4. Lump-sum payment for certain performance-based compensation.*
- Sec. 5. Inspector General.*
- Sec. 6. Administering oaths.*
- Sec. 7. Comptroller General reports.*
- Sec. 8. Reimbursement of audit costs.*
- Sec. 9. Financial disclosure requirements.*
- Sec. 10. Highest basic pay rate.*
- Sec. 11. Additional authorities.*
- Sec. 12. Basic pay for retirement.*

12 **SEC. 2. PROVISIONS RELATING TO FUTURE ANNUAL PAY**
 13 **ADJUSTMENTS.**

14 (a) *IN GENERAL.*—*Section 732 is amended by adding*
 15 *at the end the following:*

16 “(j)(1) *For purposes of this subsection—*

17 “(A) *the term ‘pay increase’, as used with re-*
 18 *spect to an officer or employee in connection with a*
 19 *year, means the total increase in the rate of basic pay*
 20 *(expressed as a percentage) of such officer or em-*

1 *ployee, taking effect under section 731(b) and sub-*
2 *section (c)(3) in such year;*

3 *“(B) the term ‘required minimum percentage’, as*
4 *used with respect to an officer or employee in connec-*
5 *tion with a year, means the percentage equal to the*
6 *total increase in rates of basic pay (expressed as a*
7 *percentage) taking effect under sections 5303 and*
8 *5304–5304a of title 5 in such year with respect to*
9 *General Schedule positions within the pay locality (as*
10 *defined by section 5302(5) of title 5) in which the po-*
11 *sition of such officer or employee is located;*

12 *“(C) the term ‘covered officer or employee’, as*
13 *used with respect to a pay increase, means any indi-*
14 *vidual—*

15 *“(i) who is an officer or employee of the*
16 *Government Accountability Office, other than an*
17 *officer or employee described in subparagraph*
18 *(A), (B), or (C) of section 4(c)(1) of the Govern-*
19 *ment Accountability Office Act of 2008, deter-*
20 *mined as of the effective date of such pay in-*
21 *crease; and*

22 *“(ii) whose performance is at least at a sat-*
23 *isfactory level, as determined by the Comptroller*
24 *General under the provisions of subsection (c)(3)*

1 *for purposes of the adjustment taking effect*
2 *under such provisions in such year; and*

3 “(D) *the term ‘nonpermanent merit pay’ means*
4 *any amount payable under section 731(b) which does*
5 *not constitute basic pay.*

6 “(2)(A) *Notwithstanding any other provision of this*
7 *chapter, if (disregarding this subsection) the pay increase*
8 *that would otherwise take effect with respect to a covered*
9 *officer or employee in a year would be less than the required*
10 *minimum percentage for such officer or employee in such*
11 *year, the Comptroller General shall provide for a further*
12 *increase in the rate of basic pay of such officer or employee.*

13 “(B) *The further increase under this subsection—*

14 “(i) *shall be equal to the amount necessary to*
15 *make up for the shortfall described in subparagraph*
16 *(A); and*

17 “(ii) *shall take effect as of the same date as the*
18 *pay increase otherwise taking effect in such year.*

19 “(C) *Nothing in this paragraph shall be considered to*
20 *permit or require that a rate of basic pay be increased to*
21 *an amount inconsistent with the limitation set forth in sub-*
22 *section (c)(2).*

23 “(D) *If (disregarding this subsection) the covered offi-*
24 *cer or employee would also have received any nonpermanent*
25 *merit pay in such year, such nonpermanent merit pay shall*

1 *be decreased by an amount equal to the portion of such offi-*
 2 *cer's or employee's basic pay for such year which is attrib-*
 3 *utable to the further increase described in subparagraph (A)*
 4 *(as determined by the Comptroller General), but to not less*
 5 *than zero.*

6 “(3) Notwithstanding any other provision of this chap-
 7 ter, the effective date of any pay increase (within the mean-
 8 ing of paragraph (1)(A)) taking effect with respect to a cov-
 9 ered officer or employee in any year shall be the same as
 10 the effective date of any adjustment taking effect under sec-
 11 tion 5303 of title 5 with respect to statutory pay systems
 12 (as defined by section 5302(1) of title 5) in such year.”.

13 (b) *EFFECTIVE DATE.*—The amendment made by this
 14 section shall apply with respect to any pay increase (as
 15 defined by such amendment) taking effect on or after the
 16 date of the enactment of this Act.

17 **SEC. 3. PAY ADJUSTMENT RELATING TO CERTAIN PRE-**
 18 **VIOUS YEARS.**

19 (a) *APPLICABILITY.*—This section applies in the case
 20 of any individual who, as of the date of the enactment of
 21 this Act, is an officer or employee of the Government Ac-
 22 countability Office, excluding—

23 (1) *an officer or employee described in subpara-*
 24 *graph (A), (B), or (C) of section 4(c)(1); and*

1 (2) *an officer or employee who received both a*
2 *2.6 percent pay increase in January 2006 and a 2.4*
3 *percent pay increase in February 2007.*

4 (b) *PAY INCREASE DEFINED.*—*For purposes of this*
5 *section, the term “pay increase”, as used with respect to*
6 *an officer or employee in connection with a year, means*
7 *the total increase in the rate of basic pay (expressed as a*
8 *percentage) of such officer or employee, taking effect under*
9 *sections 731(b) and 732(c)(3) of title 31, United States*
10 *Code, in such year.*

11 (c) *PROSPECTIVE EFFECT.*—*Effective with respect to*
12 *pay for service performed in any pay period beginning after*
13 *the end of the 3-month period beginning on the date of the*
14 *enactment of this Act (or such earlier date as the Comptroller*
15 *General may specify), the rate of basic pay for each*
16 *individual to whom this section applies shall be determined*
17 *as if such individual had received both a 2.6 percent pay*
18 *increase for 2006 and a 2.4 percent pay increase for 2007,*
19 *subject to subsection (e).*

20 (d) *LUMP-SUM PAYMENT.*—*Not later than 6 months*
21 *after the date of the enactment of this Act, the Comptroller*
22 *General shall, subject to the availability of appropriations,*
23 *pay to each individual to whom this section applies a lump-*
24 *sum payment. Subject to subsection (e), such lump-sum*
25 *payment shall be equal to—*

1 (1) the total amount of basic pay that would
2 have been paid to the individual, for service per-
3 formed during the period beginning on the effective
4 date of the pay increase for 2006 and ending on the
5 day before the effective date of the pay adjustment
6 under subsection (c) (or, if earlier, the date on which
7 the individual retires or otherwise ceases to be em-
8 ployed by the Government Accountability Office), if
9 such individual had received both a 2.6 percent pay
10 increase for 2006 and a 2.4 percent pay increase for
11 2007, minus

12 (2) the total amount of basic pay that was in
13 fact paid to the individual for service performed dur-
14 ing the period described in paragraph (1).

15 *Eligibility for a lump-sum payment under this subsection*
16 *shall be determined solely on the basis of whether an indi-*
17 *vidual satisfies the requirements of subsection (a) (to be con-*
18 *sidered an individual to whom this section applies), and*
19 *without regard to such individual's employment status as*
20 *of any date following the date of the enactment of this Act*
21 *or any other factor.*

22 (e) *CONDITIONS.—Nothing in subsection (c) or (d)*
23 *shall be considered to permit or require—*

24 (1) *the payment of any rate (or lump-sum*
25 *amount based on a rate) for any pay period, to the*

1 *extent that such rate would be (or would have been)*
 2 *inconsistent with the limitation that applies (or that*
 3 *applied) with respect to such pay period under sec-*
 4 *tion 732(c)(2) of title 31, United States Code; or*

5 *(2) the payment of any rate or amount based on*
 6 *the pay increase for 2006 or 2007 (as the case may*
 7 *be), if—*

8 *(A) the performance of the officer or em-*
 9 *ployee involved was not at a satisfactory level, as*
 10 *determined by the Comptroller General under*
 11 *paragraph (3) of section 732(c) of such title 31*
 12 *for purposes of the adjustment under such para-*
 13 *graph for that year; or*

14 *(B) the individual involved was not an offi-*
 15 *cer or employee of the Government Account-*
 16 *ability Office on the date as of which that in-*
 17 *crease took effect.*

18 *As used in paragraph (2)(A), the term “satisfactory” in-*
 19 *cludes a rating of “meets expectations” (within the meaning*
 20 *of the performance appraisal system used for purposes of*
 21 *the adjustment under section 732(c)(3) of such title 31 for*
 22 *the year involved).*

23 *(f) RETIREMENT.—*

24 *(1) IN GENERAL.—The lump-sum payment paid*
 25 *under subsection (d) to an officer or employee shall,*

1 *for purposes of any determination of the average pay*
 2 *(as defined by section 8331 or 8401 of title 5, United*
 3 *States Code) which is used to compute an annuity*
 4 *under subchapter III of chapter 83 or chapter 84 of*
 5 *such title—*

6 *(A) be treated as basic pay (as defined by*
 7 *section 8331 or 8401 of such title); and*

8 *(B) be allocated to the biweekly pay periods*
 9 *covered by subsection (d).*

10 (2) *CONTRIBUTIONS.—Notwithstanding section*
 11 *8334, 8422, 8423, or any other provision of title 5,*
 12 *United States Code, no employee or agency contribu-*
 13 *tion shall be required for purposes of this subsection.*

14 (g) *EXCLUSIVE REMEDY.—This section constitutes the*
 15 *exclusive remedy that any individuals to whom this section*
 16 *applies (as described in subsection (a)) have for any claim*
 17 *that they are owed any monies denied to them in the form*
 18 *of a pay increase for 2006 or 2007 under section 732(c)(3)*
 19 *of title 31, United States Code, or any other law. Notwith-*
 20 *standing any other provision of law, no court or adminis-*
 21 *trative body, including the Government Accountability Of-*
 22 *fice Personnel Appeals Board, shall have jurisdiction to en-*
 23 *tertain any civil action or other civil proceeding based on*
 24 *the claim of such individuals that they were due money in*

1 *the form of a pay increase for 2006 or 2007 pursuant to*
 2 *such section 732(c)(3) or any other law.*

3 **SEC. 4. LUMP-SUM PAYMENT FOR CERTAIN PERFORMANCE-**
 4 **BASED COMPENSATION.**

5 *(a) IN GENERAL.—Not later than 6 months after the*
 6 *date of the enactment of this Act, the Comptroller General*
 7 *shall, subject to the availability of appropriations, pay to*
 8 *each qualified individual a lump-sum payment equal to the*
 9 *amount of performance-based compensation such individual*
 10 *was denied for 2006, as determined under subsection (b).*

11 *(b) AMOUNT.—The amount payable to a qualified in-*
 12 *dividual under this section shall be equal to—*

13 *(1) the total amount of performance-based com-*
 14 *pensation such individual would have earned for*
 15 *2006 (determined by applying the Government Ac-*
 16 *countability Office’s performance-based compensation*
 17 *system under GAO Orders 2540.3 and 2540.4, as in*
 18 *effect in 2006) if such individual had not had a sal-*
 19 *ary equal to or greater than the maximum for such*
 20 *individual’s band (as further described in subsection*
 21 *(c)(2)), less*

22 *(2) the total amount of performance-based com-*
 23 *pensation such individual was in fact granted, in*
 24 *January 2006, for that year.*

1 (c) *QUALIFIED INDIVIDUAL*.—For purposes of this sec-
2 tion, the term “qualified individual” means an individual
3 who—

4 (1) as of the date of the enactment of this Act,
5 is an officer or employee of the Government Account-
6 ability Office, excluding—

7 (A) an individual holding a position subject
8 to section 732a or 733 of title 31, United States
9 Code (disregarding section 732a(b) and 733(c) of
10 such title);

11 (B) a Federal Wage System employee; and

12 (C) an individual participating in a devel-
13 opment program under which such individual
14 receives performance appraisals, and is eligible
15 to receive permanent merit pay increases, more
16 than once a year; and

17 (2) as of January 22, 2006, was a Band I staff
18 member with a salary above the Band I cap, a Band
19 IIA staff member with a salary above the Band IIA
20 cap, or an administrative professional or support
21 staff member with a salary above the cap for that in-
22 dividual’s pay band (determined in accordance with
23 the orders cited in subsection (b)(1)).

24 (d) *EXCLUSIVE REMEDY*.—This section constitutes the
25 exclusive remedy that any officers and employees (as de-

1 scribed in subsection (c)) have for any claim that they are
 2 owed any monies denied to them in the form of merit pay
 3 for 2006 under section 731(b) of title 31, United States
 4 Code, or any other law. Notwithstanding any other provi-
 5 sion of law, no court or administrative body in the United
 6 States, including the Government Accountability Office
 7 Personnel Appeals Board, shall have jurisdiction to enter-
 8 tain any civil action or other civil proceeding based on the
 9 claim of such officers or employees that they were due
 10 money in the form of merit pay for 2006 pursuant to such
 11 section 731(b) or any other law.

12 (e) *DEFINITIONS.*—For purposes of this section—

13 (1) the term “performance-based compensation”
 14 has the meaning given such term under the Govern-
 15 ment Accountability Office’s performance-based com-
 16 pensation system under GAO Orders 2540.3 and
 17 2540.4, as in effect in 2006; and

18 (2) the term “permanent merit pay increase”
 19 means an increase under section 731(b) of title 31,
 20 United States Code, in a rate of basic pay.

21 **SEC. 5. INSPECTOR GENERAL.**

22 (a) *IN GENERAL.*—Subchapter I of chapter 7 is
 23 amended by adding at the end the following:

1 **“§ 705. Inspector General for the Government Account-**
2 **ability Office**

3 “(a) *ESTABLISHMENT OF OFFICE.*—*There is estab-*
4 *lished an Office of the Inspector General in the Government*
5 *Accountability Office, to—*

6 “(1) *conduct and supervise audits consistent*
7 *with generally accepted government auditing stand-*
8 *ards and investigations relating to the Government*
9 *Accountability Office;*

10 “(2) *provide leadership and coordination and*
11 *recommend policies, to promote economy, efficiency,*
12 *and effectiveness in the Government Accountability*
13 *Office; and*

14 “(3) *keep the Comptroller General and Congress*
15 *fully and currently informed concerning fraud and*
16 *other serious problems, abuses, and deficiencies relat-*
17 *ing to the administration of programs and operations*
18 *of the Government Accountability Office.*

19 “(b) *APPOINTMENT, SUPERVISION, AND REMOVAL.*—

20 “(1) *The Office of the Inspector General shall be*
21 *headed by an Inspector General, who shall be ap-*
22 *pointed by the Comptroller General without regard to*
23 *political affiliation and solely on the basis of integ-*
24 *egrity and demonstrated ability in accounting, audit-*
25 *ing, financial analysis, law, management analysis,*
26 *public administration, or investigations. The Inspec-*

1 *tor General shall report to, and be under the general*
2 *supervision of, the Comptroller General.*

3 *“(2) The Inspector General may be removed from*
4 *office by the Comptroller General. The Comptroller*
5 *General shall, promptly upon such removal, commu-*
6 *nicate in writing the reasons for any such removal to*
7 *each House of Congress.*

8 *“(c) AUTHORITY OF INSPECTOR GENERAL.—In addi-*
9 *tion to the authority otherwise provided by this section, the*
10 *Inspector General, in carrying out the provisions of this*
11 *section, may—*

12 *“(1) have access to all records, reports, audits,*
13 *reviews, documents, papers, recommendations, or*
14 *other material that relate to programs and operations*
15 *of the Government Accountability Office;*

16 *“(2) make such investigations and reports relat-*
17 *ing to the administration of the programs and oper-*
18 *ations of the Government Accountability Office as are,*
19 *in the judgment of the Inspector General, necessary or*
20 *desirable;*

21 *“(3) request such documents and information as*
22 *may be necessary for carrying out the duties and re-*
23 *sponsibilities provided by this section from any Fed-*
24 *eral agency;*

1 “(4) in the performance of the functions assigned
2 by this section, obtain all information, documents, re-
3 ports, answers, records, accounts, papers, and other
4 data and documentary evidence from a person not in
5 the United States Government or from a Federal
6 agency, to the same extent and in the same manner
7 as the Comptroller General under the authority and
8 procedures available to the Comptroller General in
9 section 716 of this title;

10 “(5) administer to or take from any person an
11 oath, affirmation, or affidavit, whenever necessary in
12 the performance of the functions assigned by this sec-
13 tion, which oath, affirmation, or affidavit when ad-
14 ministered or taken by or before an employee of the
15 Office of Inspector General designated by the Inspec-
16 tor General shall have the same force and effect as if
17 administered or taken by or before an officer having
18 a seal;

19 “(6) have direct and prompt access to the Comp-
20 troller General when necessary for any purpose per-
21 taining to the performance of functions and respon-
22 sibilities under this section;

23 “(7) report expeditiously to the Attorney General
24 whenever the Inspector General has reasonable

1 *grounds to believe there has been a violation of Fed-*
2 *eral criminal law; and*

3 *“(8) provide copies of all reports to the Audit*
4 *Advisory Committee of the Government Account-*
5 *ability Office and provide such additional informa-*
6 *tion in connection with such reports as is requested*
7 *by the Committee.*

8 *“(d) COMPLAINTS BY EMPLOYEES.—*

9 *“(1) The Inspector General—*

10 *“(A) subject to subparagraph (B), may re-*
11 *ceive, review, and investigate, as the Inspector*
12 *General considers appropriate, complaints or in-*
13 *formation from an employee of the Government*
14 *Accountability Office concerning the possible ex-*
15 *istence of an activity constituting a violation of*
16 *any law, rule, or regulation, mismanagement, or*
17 *a gross waste of funds; and*

18 *“(B) shall refer complaints or information*
19 *concerning violations of personnel law, rules, or*
20 *regulations to established investigative and adju-*
21 *dicative entities of the Government Account-*
22 *ability Office.*

23 *“(2) The Inspector General shall not, after re-*
24 *ceipt of a complaint or information from an em-*
25 *ployee, disclose the identity of the employee without*

1 *the consent of the employee, unless the Inspector Gen-*
2 *eral determines such disclosure is unavoidable during*
3 *the course of the investigation.*

4 *“(3) Any employee who has authority to take, di-*
5 *rect others to take, recommend, or approve any per-*
6 *sonnel action, shall not, with respect to such author-*
7 *ity, take or threaten to take any action against any*
8 *employee as a reprisal for making a complaint or dis-*
9 *closing information to the Inspector General, unless*
10 *the complaint was made or the information disclosed*
11 *with the knowledge that it was false or with willful*
12 *disregard for its truth or falsity.*

13 *“(e) SEMIANNUAL REPORTS.—(1) The Inspector Gen-*
14 *eral shall submit semiannual reports summarizing the ac-*
15 *tivities of the Office of the Inspector General to the Comp-*
16 *troller General. Such reports shall include, but need not be*
17 *limited to—*

18 *“(A) a summary of each significant report made*
19 *during the reporting period, including a description*
20 *of significant problems, abuses, and deficiencies dis-*
21 *closed by such report;*

22 *“(B) a description of the recommendations for*
23 *corrective action made with respect to significant*
24 *problems, abuses, or deficiencies described pursuant to*
25 *subparagraph (A);*

1 “(C) a summary of the progress made in imple-
2 menting such corrective action described pursuant to
3 subparagraph (B); and

4 “(D) information concerning any disagreement
5 the Comptroller General has with a recommendation
6 of the Inspector General.

7 “(2) The Comptroller General shall transmit the semi-
8 annual reports of the Inspector General, together with any
9 comments the Comptroller General considers appropriate,
10 to Congress within 30 days after receipt of such reports.

11 “(f) INDEPENDENCE IN CARRYING OUT DUTIES AND
12 RESPONSIBILITIES.—The Comptroller General may not
13 prevent or prohibit the Inspector General from carrying out
14 any of the duties or responsibilities of the Inspector General
15 under this section.

16 “(g) AUTHORITY FOR STAFF.—

17 “(1) IN GENERAL.—The Inspector General shall
18 select, appoint, and employ such personnel as may be
19 necessary to carry out this section consistent with the
20 provisions of this title governing selections, appoint-
21 ments, and employment in the Government Account-
22 ability Office. Such personnel shall be appointed, pro-
23 moted, and assigned only on the basis of merit and
24 fitness, but without regard to those provisions of title
25 5 governing appointments and other personnel actions

1 *in the competitive service, except that no personnel of*
2 *the Office may be paid at an annual rate greater*
3 *than \$1,000 less than the annual rate of pay of the*
4 *Inspector General.*

5 “(2) *EXPERTS AND CONSULTANTS.*—*The Inspec-*
6 *tor General may procure temporary and intermittent*
7 *services under section 3109 of title 5 at rates not to*
8 *exceed the daily equivalent of the annual rate of basic*
9 *pay for level V of the Executive Schedule under sec-*
10 *tion 5315 of such title.*

11 “(3) *INDEPENDENCE IN APPOINTING STAFF.*—*No*
12 *individual may carry out any of the duties or respon-*
13 *sibilities of the Office of the Inspector General unless*
14 *the individual is appointed by the Inspector General,*
15 *or provides services obtained by the Inspector General,*
16 *pursuant to this paragraph.*

17 “(4) *LIMITATION ON PROGRAM RESPONSIBIL-*
18 *ITIES.*—*The Inspector General and any individual*
19 *carrying out any of the duties or responsibilities of*
20 *the Office of the Inspector General are prohibited from*
21 *performing any program responsibilities.*

22 “(h) *OFFICE SPACE.*—*The Comptroller General shall*
23 *provide the Office of the Inspector General—*

24 “(1) *appropriate and adequate office space;*

1 “(2) such equipment, office supplies, and com-
 2 munications facilities and services as may be nec-
 3 essary for the operation of the Office of the Inspector
 4 General;

5 “(3) necessary maintenance services for such of-
 6 fice space, equipment, office supplies, and commu-
 7 nications facilities; and

8 “(4) equipment and facilities located in such of-
 9 fice space.

10 “(i) *DEFINITION.*—As used in this section, the term
 11 ‘Federal agency’ means a department, agency, instrumen-
 12 tality, or unit thereof, of the Federal Government.”.

13 (b) *INCUMBENT.*—The individual who serves in the po-
 14 sition of Inspector General of the Government Account-
 15 ability Office on the date of the enactment of this Act shall
 16 continue to serve in such position subject to removal in ac-
 17 cordance with the amendments made by this section.

18 (c) *CLERICAL AMENDMENT.*—The table of sections for
 19 chapter 7 is amended by inserting after the item relating
 20 to section 704 the following:

“705. Inspector General for the Government Accountability Office.”.

21 **SEC. 6. ADMINISTERING OATHS.**

22 Section 711 is amended by striking paragraph (4) and
 23 inserting the following:

24 “(4) administer oaths to witnesses, except that,
 25 in matters other than auditing and settling accounts,

1 *the authority of an officer or employee to administer*
 2 *oaths to witnesses pursuant to a delegation under*
 3 *paragraph (2) shall not be available without the prior*
 4 *express approval of the Comptroller General (or a des-*
 5 *ignee).”.*

6 **SEC. 7. COMPTROLLER GENERAL REPORTS.**

7 *Section 719 is amended—*

8 *(1) in subsection (b)(1)(B), by striking “and” at*
 9 *the end;*

10 *(2) in subsection (b)(1)(C), by striking the period*
 11 *at the end and inserting “; and”;*

12 *(3) by adding at the end of subsection (b)(1) the*
 13 *following:*

14 *“(D) for agencies subject to sections 901–903 and*
 15 *other agencies designated by the Comptroller General,*
 16 *an assessment of their overall degree of cooperation in*
 17 *making personnel available for interview, providing*
 18 *written answers to questions, submitting to an oath*
 19 *authorized by the Comptroller General under section*
 20 *711, granting access to records, providing timely com-*
 21 *ments to draft reports, adopting recommendations in*
 22 *reports and responding to such other matters as the*
 23 *Comptroller General deems appropriate in carrying*
 24 *out his duties under authority of sections 711–720 or*
 25 *any other provisions of law.”;*

1 (4) in subsection (c)(2)(B), by striking “and” at
2 the end;

3 (5) in subsection (c)(3), by striking the period at
4 the end and inserting “; and”, and

5 (6) by adding at the end of subsection (c) the fol-
6 lowing:

7 “(4) as soon as practicable when an agency does
8 not, within a reasonable time of a request by the
9 Comptroller General, make personnel available for
10 interview, provide written answers to questions, grant
11 access to records, or submit to an oath authorized by
12 the Comptroller General under sections 711–720 or
13 any other provisions of law.”.

14 **SEC. 8. REIMBURSEMENT OF AUDIT COSTS.**

15 (a) *IN GENERAL.*—Section 3521 is amended by adding
16 at the end the following:

17 “(i)(1) Any executive agency or component thereof that
18 prepares an audited financial statement under section 3515
19 shall reimburse the Government Accountability Office the
20 cost of any audit of the financial statements (or any part
21 thereof) and related schedules of such agency or component
22 performed by the Comptroller General.

23 “(2) Reimbursements required by paragraph (1) shall
24 be credited to the appropriation account ‘Salaries and Ex-
25 penses, Government Accountability Office’ current when the

1 reimbursement is received and shall remain available until
2 expended.”.

3 (b) *CONFORMING AMENDMENT.*—Section 1401 of title
4 I of Public Law 108–83 (31 U.S.C. 3523 note) is repealed.

5 (c) *EFFECTIVE DATE.*—This section and the amend-
6 ments made by this section shall take effect on October 1,
7 2009.

8 **SEC. 9. FINANCIAL DISCLOSURE REQUIREMENTS.**

9 Section 109(13)(B) of the *Ethics in Government Act*
10 of 1978 (5 U.S.C. App.) is amended—

11 (1) in clause (i), by inserting “(except any offi-
12 cer or employee of the Government Accountability Of-
13 fice)” after “legislative branch”, and by striking
14 “and” at the end;

15 (2) by redesignating clause (ii) as clause (iii);
16 and

17 (3) by inserting after clause (i) the following:

18 “(ii) each officer or employee of the Govern-
19 ment Accountability Office who, for at least 60
20 consecutive days, occupies a position for which
21 the rate of basic pay, minus the amount of local-
22 ity pay that would have been authorized under
23 section 5304 of title 5, United States Code (had
24 the officer or employee been paid under the Gen-
25 eral Schedule) for the locality within which the

1 *position of such officer or employee is located (as*
 2 *determined by the Comptroller General), is equal*
 3 *to or greater than 120 percent of the minimum*
 4 *rate of basic pay payable for GS–15 of the Gen-*
 5 *eral Schedule; and”.*

6 **SEC. 10. HIGHEST BASIC PAY RATE.**

7 *Section 732(c)(2) is amended by striking “highest*
 8 *basic rate for GS–15;” and inserting “rate for level III of*
 9 *the Executive Level, except that the total amount of cash*
 10 *compensation in any year shall be subject to the limitations*
 11 *provided under section 5307(a)(1) of title 5;”.*

12 **SEC. 11. ADDITIONAL AUTHORITIES.**

13 *(a) IN GENERAL.—(1) Section 731 is amended—*

14 *(A) by repealing subsection (d);*

15 *(B) in subsection (e)—*

16 *(i) in the matter before paragraph (1),*
 17 *by striking “maximum daily rate for GS–*
 18 *18 under section 5332 of such title” and in-*
 19 *serting “daily rate for level IV of the Execu-*
 20 *tive Schedule”; and*

21 *(ii) by striking “more than—” and all*
 22 *that follows and inserting the following:*
 23 *“more than 20 experts and consultants may*
 24 *be procured for terms of not more than 3*
 25 *years, but which shall be renewable.”; and*

1 (C) by adding at the end the following:

2 “(j) Funds appropriated to the Government Account-
3 ability Office for salaries and expenses are available for
4 meals and other related reasonable expenses incurred in
5 connection with recruitment.”.

6 (2) CONFORMING AMENDMENTS.—(A) Section 732a(b)
7 is amended by striking “section 731(d), (e)(1), or (e)(2)”
8 and inserting “paragraph (1) or (2) of section 731(e)”.

9 (B) Section 733(c) is amended by striking “(d),”.

10 (C) Section 735(a) is amended by striking “731(c)–
11 (e),” and inserting “731(c) and (e),”.

12 (b) ACCESS TO CERTAIN INFORMATION.—

13 (1) IN GENERAL.—Subchapter II of chapter 7 is
14 amended by adding at the end the following:

15 **“§ 721. Access to certain information**

16 “(a) No provision of the Social Security Act shall be
17 construed to limit, amend, or supersede the authority of the
18 Comptroller General to obtain any information, to inspect
19 any record, or to interview any officer, employee, or con-
20 tractor under section 716 of this title, including with re-
21 spect to any information disclosed to or obtained by the
22 Secretary of Health and Human Services under part C or
23 D of title XVIII of the Social Security Act.

24 “(b) No provision of the Federal Food, Drug, and Cos-
25 metic Act shall be construed to limit, amend, or supersede

1 *the authority of the Comptroller General to obtain any in-*
 2 *formation, to inspect any record, or to interview any officer,*
 3 *employee, or contractor under section 716 of this title, in-*
 4 *cluding with respect to any information concerning any*
 5 *method or process which as a trade secret is entitled to pro-*
 6 *tection.”.*

7 (2) *INTERVIEWS.*—Section 716(a) is amended in
 8 the second sentence by inserting “and interview agen-
 9 cy officers and employees” after “agency record”.

10 (3) *CLERICAL AMENDMENT.*—The analysis for
 11 chapter 7 is amended by inserting after the item re-
 12 lating to section 720 the following:

“721. Access to certain information.”.

13 **SEC. 12. BASIC PAY FOR RETIREMENT.**

14 Section 8331(3) of title 5, United States Code, is
 15 amended—

16 (1) in subparagraph (G), by striking “and” at
 17 the end;

18 (2) in subparagraph (H), by inserting “and” at
 19 the end;

20 (3) by inserting after subparagraph (H) the fol-
 21 lowing:

22 “(I) the nonpermanent amount of a perform-
 23 ance-based pay increase received by an employee of
 24 the Government Accountability Office, to the extent
 25 that such increase does not cause the basic pay of

1 *such employee to exceed the limitation specified in*
2 *section 732(c)(2) of title 31;”*; and
3 *(4) in the matter following subparagraph (I) (as*
4 *added by this section), by striking “(B) through (H)”*
5 *and inserting “(B) through (I)”.*

Union Calendar No. 422

110TH CONGRESS
2^D Session

H. R. 5683

[Report No. 110-671]

A BILL

To make certain reforms with respect to the Government Accountability Office, and for other purposes.

MAY 22, 2008

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed